

1 John A. Furlong, Bar No. 018356
2 General Counsel
3 STATE BAR OF ARIZONA
4 4201 North 24th Street, Suite 200
5 Phoenix, Arizona 85016-6288
6 Telephone: (602) 252-4804
7 John.Furlong@staff.azbar.org

8 **IN THE SUPREME COURT**
9 **STATE OF ARIZONA**

10 PETITION TO AMEND ARIZONA
11 SUPREME COURT RULE 124
12 (ELECTRONIC FILING,
DELIVERY, AND SERVICE OF
DOCUMENTS)

Supreme Court No. R-11-0012

**Comment of the State Bar of
Arizona on Petition to Amend
Rule 124, Rules of the Supreme
Court of Arizona**

13 The Administrative Office of the Courts (“AOC”) has filed a petition to
14 amend Rule 124 of the Rules of the Supreme Court of Arizona to facilitate
15 statewide implementation of e-filing through AZTurboCourt. Under
16 Administrative Order No. 2010-117, the Arizona Supreme Court has established a
17 deadline of May 1, 2011, for mandatory e-filing by all attorneys in cases pending
18 in Maricopa County Superior Court. It is the State Bar’s understanding that
19 AZTurboCourt is expected to enable e-filing of all court documents in all cases
20 throughout the state in the near future.

21 The State Bar agrees that amendments to Rule 124 are appropriate given
22 the move to statewide implementation of AZTurboCourt. In fact, the State Bar
23 has itself submitted a separate petition to amend Rules 5(c) and 6(e) of the
24 Arizona Rules of Civil Procedure (Supreme Court No. R-11-0009) to, among
25 other things, allow for service of documents through AZTurboCourt. The State
26 Bar, however, believes that the proposed amendments to Rule 124 can be revised

1 to provide clearer guidance to lawyers, self-represented litigants, and the courts on
2 the procedures to be followed for electronic filing and service under
3 AZTurboCourt. Accordingly, it submits this comment to suggest revisions to the
4 proposed amendments to Rule 124. Appendix A is included with this comment to
5 set forth the suggested revisions.

6 The State Bar has also been made aware that the Supreme Court will
7 entertain a final comment period later in the rules process after the April 1, 2011
8 deadline. Because the State Bar is also aware of additional concerns regarding
9 fees and the process for requesting waivers or deferrals of such fees for pro se
10 litigants and those represented by legal services agencies with respect to the
11 AZTurboCourt system, it respectfully requests that the Bar be permitted to
12 provide a more detailed comment after its further study of these issues.

13 **1. The Proposed Rule Should Be Revised to Clarify Whether**
14 **E-Filing is Mandatory or Merely Permissible for Attorneys**
15 **and Self-Represented Litigants and to Afford Self-Represented**
16 **Litigants the Ability to Withdraw Their AZTurboCourt**
Registrations.

17 Proposed Rule 124 is unclear as to whether e-filing through AZTurboCourt
18 is mandatory or permissive for attorneys and self-represented litigants. Proposed
19 Rule 124(b) says:

20 Parties, attorneys, court personnel, and persons appointed by the court
21 are authorized to file documents electronically through AZTurboCourt
22 in courts where AZTurboCourt is available and for any case type
available in that court, in accordance with this rule.

23 That language suggests that e-filing is merely permissive for both attorneys
24 and self-represented litigants. Proposed Rule 124(i)(2), however, states:

25 Service of post-initiation documents as required by the rules
26 governing practice and procedure in the courts of this state shall be
completed through AZTurboCourt except when a self-represented

1 litigant has withdrawn consent to electronic service by filing a notice
2 of withdrawal of consent in a case, or when electronic service is
3 otherwise prohibited by rule or law.

4 Given that one will presumably be able to effect service of a document
5 through AZTurboCourt only if one e-files the document through the system, this
6 language suggests that e-filing is mandatory for everyone (except perhaps where a
7 self-represented litigant has given notice withdrawing his or her consent).

8 The State Bar believes that language should be added to any adopted
9 amendment of Rule 124 clarifying whether e-filing through AZTurboCourt is
10 mandatory or permissive. Based on Administrative Order No. 2010-117, which
11 phases in mandatory e-filing through AZTurboCourt in the Superior Court in
12 Maricopa County, it appears that mandatory e-filing is contemplated for attorneys.
13 Specifically, under that Administrative Order mandatory e-filing for attorneys is
14 to be completely phased in by May 1, 2011. There is, however, no mention of
15 mandatory e-filing for self-represented litigants. Instead, e-filing by self-
16 represented litigants is permissive under the Administrative Order. While self-
17 represented litigants are not currently eligible to register for the ECF system in the
18 United States District Court for the District of Arizona, *see* D. Ariz. LRCiv 5.5(d),
19 the State Bar sees no reason to preclude self-represented litigants from e-filing
20 through AZTurboCourt if they choose to register.

21 Assuming that mandatory e-filing by attorneys (but not self-represented
22 litigants) is contemplated, the State Bar proposes the addition of the following
23 sentence to subsection (b) of proposed Rule 124:

24 Unless otherwise ordered by the court or as provided by this rule or
25 the AZTurboCourt Technical Standards, attorneys shall file
26 documents electronically through AZTurboCourt in courts where
AZTurboCourt is available and for any case type available in that
court, in accordance with this rule.

1 If registration with and electronic filing through AZTurboCourt is optional
2 for self-represented litigants, then the State Bar believes that self-represented
3 litigants should have the ability to later withdraw their registration with
4 AZTurboCourt. The State Bar believes that self-represented litigants may
5 discover, after registering with AZTurboCourt, that they cannot properly use the
6 system. Alternatively, they may experience a change in circumstances (*e.g.*, the
7 loss of a computer or an e-mail account) that would make it difficult for them to
8 continue filing documents through AZTurboCourt. As a result, there should be a
9 mechanism allowing self-represented litigants to withdraw their registration with
10 AZTurboCourt.

11 As discussed in Section 2 below, the rule proposed by the AOC includes a
12 provision whereby self-represented litigants can withdraw their consent to service
13 of documents on themselves through AZTurboCourt; but that provision does not
14 alleviate their obligation to electronically file and serve documents through
15 AZTurboCourt once they have registered. The State Bar believes this broader
16 withdrawal option should be available to self-represented litigants, and thus
17 suggests adding the following provision to subsection (c) of proposed Rule 124:

18 A self-represented litigant who has registered with AZTurboCourt
19 may withdraw his or her registration at any time upon filing (either
20 electronically or in hard-copy) a written notice with the clerk and
21 serving such notice on all other parties. The notice shall set forth a
22 mailing address where orders, notices and other papers may be
delivered or served.

23 For logistical reasons, it may take a short period of time for the clerk to make the
24 changes necessary to accommodate withdrawal from the AZTurboCourt system.
25 For this reason, it might be appropriate to further modify what the State Bar has
26

1 proposed to make withdrawal from AZTurboCourt effective only after some
2 specified period of time following service and filing of the notice.

3 Finally, proposed Rule 124(f)(2) includes language whereby mandatory
4 electronic filing can be waived upon a showing of good cause: “a judge may
5 grant a party a waiver from compliance with a requirement of mandatory e-filing
6 through AZTurboCourt, for good cause shown, thereby allowing the party to file
7 documents on paper.” This provision is within a section of proposed Rule 124
8 entitled “Electronic Payment of Filing Fees and Application Fees.” Because the
9 provision allows for the complete waiver of the requirement of electronic filing
10 (rather than simply a waiver of fees), the State Bar believes it more appropriately
11 belongs in and should be moved to subsection (b), which is where the
12 requirements for electronic filing are found. In addition, if self-represented
13 litigants are not required to e-file documents through AZTurboCourt and may
14 withdraw their registration by simply filing a notice (as suggested above), the
15 State Bar suggests revising references in the waiver provision from “party” to
16 “represented party.” In the revision, the clause “thereby allowing a party to file
17 documents on paper” is deleted because it appears to be unnecessary. (See
18 Appendix A hereto).

19 **2. The Provision Allowing Self-Represented Litigants to**
20 **Withdraw Consent to Electronic Service of Documents**
21 **Through AZTurboCourt Should Be Clarified to Include**
22 **Delivery of Documents from the Clerk.**

23 Under proposed Rule 124(i), electronic service of documents through
24 AZTurboCourt is mandated, with registration in AZTurboCourt constituting
25 consent to such service. The proposed rule, however, provides a method for self-
26 represented litigants to withdraw consent to service through AZTurboCourt at any
time by providing written notice. The State Bar supports the proposal allowing

1 self-represented litigants to withdraw their consent to electronic service of
2 documents through AZTurboCourt, but believes the withdrawal provision should
3 be extended to include delivery of documents from the clerk through
4 AZTurboCourt.

5 Even if self-represented litigants are not required to register with and
6 electronically file documents through AZTurboCourt, and even if they are given
7 the ability to withdraw their registration, there may be circumstances in which a
8 self-represented litigant has the capability to file documents electronically through
9 AZTurboCourt but lacks the capability to monitor e-mail for notices of service of
10 electronic filings or court orders on a regular basis. For example, a self-
11 represented litigant may have only intermittent access to a computer. The State
12 Bar believes that a self-represented litigant should have the ability to withdraw his
13 or her consent to service and delivery through AZTurboCourt while retaining the
14 ability to file documents through the system, because even partial use of the
15 system by a self-represented litigant should increase productivity and reduce costs
16 for clerks of the court.

17 The petition's proposal, however, only allows self-represented litigants to
18 withdraw consent to "service" of documents by other parties. It does not extend
19 this withdrawal of consent to the delivery of notices, orders and other papers from
20 the clerk through AZTurboCourt. Instead, subsection (i)(4) of the proposed rule
21 discusses "distribution" (which the proposed rule elsewhere refers to as
22 "delivery") of documents from the clerk through AZTurboCourt without making
23 any exception for a self-represented litigant who has withdrawn consent to service
24 through AZTurboCourt.

25 If a self-represented litigant lacks the ability to regularly monitor his or her
26 e-mail for service of documents by other parties through AZTurboCourt, he or she

1 will also lack the ability to do so with respect to documents delivered by the clerk.
2 Accordingly, the State Bar believes language should be added to proposed
3 subsection (i) to extend the withdrawal of consent to delivery of documents from
4 the clerk. (See Appendix A hereto).

5 As discussed in Section 1 above, for logistical reasons it may take a short
6 period of time for the clerk to make the changes necessary to accommodate
7 withdrawal of consent to electronic service. For this reason, it again may be
8 appropriate to further modify this proposed language to make withdrawal of
9 consent effective only after some specified period of time following filing and
10 service of the notice.

11 Finally, proposed Rule 124(i) contains references to the “physical address”
12 of a self-represented litigant who has withdrawn consent to electronic service.

13 Those references should be changed to “mailing address” to account for
14 circumstances such as post office boxes.

15 **3. Service of Documents Through AZTurboCourt Should Be**
16 **Clarified and Should Be Contained Within Rule 5(c) of the**
17 **Arizona Rules of Civil Procedure.**

18 Under the proposed Rule 124, service of “post initiation documents” is
19 required to be completed through AZTurboCourt, with registration in
20 AZTurboCourt constituting consent to electronic service of documents through
21 AZTurboCourt. Service of documents through AZTurboCourt is the subject of a
22 petition filed by the State Bar on January 5, 2011 (R-11-0009) seeking
23 amendments to Rules 5(c) and 6(e) of the Arizona Rules of Civil Procedure to,
24 among other things, authorize service of documents through AZTurboCourt.
25 Under the State Bar’s proposal, as opposed to the AOC’s proposal, use of
26 AZTurboCourt to serve documents is permissive rather than mandatory.

1 The State Bar believes that the issue of service of documents through
2 AZTurboCourt is better handled through an amendment to Rule 5(c) of the
3 Arizona Rules of Civil Procedure. That is, if service of documents through
4 AZTurboCourt is to be mandatory, such a provision should be added to Rule 5(c).
5 Both attorneys and self-represented litigants are more likely to focus on the Rules
6 of Civil Procedure, and in particular Rule 5(c), when determining how to go about
7 serving other parties with post-initiation documents. In fact, in 2006, provisions
8 regarding electronic service with consent of another party were moved from
9 Arizona Supreme Court Rule 124 to Rule 5(c) of the Arizona Rules of Civil
10 Procedure for this reason. Nonetheless, if the Court decides that the proposed
11 service provisions should be contained in Rule 124, the State Bar recommends
12 that an introductory clause be inserted before the beginning of Rule 5(c)(2)
13 stating: "Subject to Rule 124(j) of the Rules of the Supreme Court of Arizona, . .
14 ." The insertion of such a clause in Rule 5(c) would help promote adherence to
15 the proposed rule by alerting practitioners and self-represented litigants that they
16 need to look at Rule 124 for additional provisions and requirements regarding
17 service.

18 With respect to the substance of the proposed provisions regarding service
19 of documents through AZTurboCourt, the State Bar believes that there are a
20 handful of areas requiring clarification.

21 First, service of documents that are not filed with the court (*e.g.*, discovery
22 requests and responses, disclosure statements, and offers of judgment) should not
23 be made through AZTurboCourt. The proposed language of Rule 124(i) should
24 be clarified to exclude such documents from any mandatory service of documents
25 through AZTurboCourt.

1 Second, if registration with AZTurboCourt and electronic filing of
2 documents is permissive and not mandatory for self-represented litigants, then
3 service upon such litigants through AZTurboCourt would not be available.
4 Again, to the extent there is a rule requiring service of documents through
5 AZTurboCourt, service on self-represented litigants should be excluded from the
6 requirement if they are not registered users of the system or have withdrawn their
7 registration.

8 Third, when read in conjunction with the provisions discussed in Section 2
9 of this comment regarding withdrawal of consent by self-represented litigants, it
10 is unclear whether self-represented litigants who withdraw consent to service and
11 delivery on themselves through AZTurboCourt must still effect service on other
12 self-represented litigants and/or attorneys through AZTurboCourt. Language
13 should be added to clarify that withdrawal of consent to service and delivery does
14 not alleviate the requirement to effect service on the other parties through
15 AZTurboCourt. This should not impose a hardship because, as the State Bar
16 understands it, a document filed through AZTurboCourt will be automatically
17 “served” on all other parties when the clerk sends an e-mail notification to them
18 providing a link to the filed document. If self-represented litigants wish to
19 dispense with the requirement of serving the other parties through AZTurboCourt,
20 they would need to withdraw their AZTurboCourt registration entirely, as
21 discussed in Section 1 above. Thus, the State Bar proposes adding the following
22 sentence at the end of proposed subsection (i)(2): “Withdrawal of consent to
23 electronic service by a self-represented litigant does not relieve the litigant of his
24 or her obligation to serve documents through AZTurboCourt.” (See Appendix A
25 hereto).

1 **4. The Proposal for Documents Filed Under Multiple Signatures**
2 **Should Be Clarified and Revised to Apply Beyond Self-**
3 **Represented Litigants.**

4 The petition proposes a provision in Rule 124(g)(4) governing documents
5 filed by more than one self-represented litigant. Under the proposal, “A
6 document being filed by more than one self-represented litigant need only be
7 signed by one of the self-represented litigants. The signer of the document shall
8 ensure that all parties named in the document agree with the contents of the
9 document.”

10 The State Bar presumes that the intent behind this provision is to provide a
11 workable mechanism for electronic filing of documents that require multiple
12 signatures (*e.g.*, stipulations and joint pretrial statements). Assuming that to be
13 the intent, the State Bar believes that the provision should be revised to provide
14 more clarity and to encompass situations involving attorneys.

15 The provision as written encompasses all documents, and thus suggests that
16 one self-represented litigant can sign and file a dispositive motion – for example,
17 on behalf of another self-represented litigant – which may transgress the rules
18 against the unauthorized practice of law. In addition, the provision is not limited
19 to electronically filed documents. Also, while the provision is limited to
20 situations involving multiple self-represented litigants, the problem of electronic
21 filing of documents requiring multiple signatures also arises where attorneys are
22 involved. Finally, the intent behind the last sentence of proposed Rule 124(g)(4)
23 (“The standing of all parties is subject to judicial determination during the
24 proceedings”) is unclear.

25 To provide more clarity and to remedy these potential issues with the
26 language in Rule 124(g)(4), the State Bar recommends revising that provision to
 instead provide as follows:

1 The filer of any document filed through AZTurboCourt requiring
2 more than one signature, such as a stipulation, must ensure that the
3 content of the document is acceptable to all persons required to sign
4 the document. This may be accomplished by either filing a scanned
5 document containing the physical signatures or by inserting “/s/
6 (name) with permission” as the electronic signatures of the non-filing
parties who are registered users of AZTurboCourt. Electronic
signatures of non-registered signatories are not permitted.

7 This language largely mirrors a provision in the ECF Administrative Manual for
8 the United States District Court for the District of Arizona governing the
9 electronic filing of documents requiring multiple signatures. (See Appendix A
10 hereto).

11 **5. The Proposed Rule Should Be Revised to Clarify the Effect of an**
12 **E-Filed Document Being Rejected by the Clerk of the Court.**

13 Under proposed Rule 124(e), a document filed through AZTurboCourt is
14 “deemed submitted on the date and time it is received by AZTurboCourt
15 as reflected on the subsequent email notification, unless notification is declined
16 by the filer”; and “[o]nce accepted, the date and time of filing shall be
17 the AZTurboCourt date and time of submittal.” The proposal, however, provides
18 no guidance as to the ability of the clerk of the court to reject an electronically
19 filed document or the effect of such rejection by the clerk of the court. In
20 addition, it is unclear what is meant by the phrase “unless notification is declined
21 by the filer.”

22 The current version of Rule 124 already includes the following provision
23 governing the date and effect of electronic filing:

24 An electronically filed document shall be deemed filed on the date and
25 time that it is received by the court (or by its designee), unless the
26 court later rejects the document for filing. Promptly upon receipt, the
court (or its designee) shall transmit to the filing party an

1 acknowledgment indicating the date and time of receipt. If the court
2 later does not accept the document for filing, it shall promptly notify
3 the filing party electronically and set forth the grounds for rejection.

4 This provision appears to work, and the State Bar believes it should be retained in
5 place of the new proposed language of Rule 124(e).

6 **6. A Provision Should Be Added to the Proposed Rule to**
7 **Incorporate the Technical Documents Referenced in the**
8 **Petition.**

9 The petition states that “[s]eparate technical documents are being revised or
10 created to delineate actions that enact or enforce policies set forth in the amended
11 Rule 124.” Similarly, the proposed Rule 124(h)(1) states, “All filers are
12 responsible for ensuring that the documents they file through AZTurboCourt meet
13 the AZTurboCourt Technical Standards published on the AZTurboCourt
14 website.”

15 The State Bar agrees with the use of a separate technical document to set
16 forth the details of e-filing through AZTurboCourt. The State Bar believes this to
17 be the proper approach because many of these technical details are likely to be
18 subject to the sort of rapid change requiring more flexibility than the process for
19 revising court rules allows. In fact, the U.S. District Court here in Arizona has
20 taken a similar approach with the use of what it terms an “Electronic Case Filing
21 Administrative Policies and Procedures Manual” (“ECF Administrative Manual”),
22 which is maintained by the clerk of the court.

23 To more clearly implement the use of the AZTurboCourt Technical
24 Standards, the State Bar suggests adding a provision to Rule 124 specifically
25 referencing the Technical Standards similar to what is found in the District of
26 Arizona’s local rules regarding its ECF Administrative Manual. Namely, the
following subsection should be added to the rule:

1 **AZTurboCourt Technical Standards.** The Administrative Office of
2 the Courts is authorized to develop, publish, and implement a set of
3 technical standards for electronic filing of documents through
4 AZTurboCourt to be called the “AZTurboCourt Technical Standards.”

5 In addition, the following sentence should be added to subsection (b) of the
6 proposed rule: “Documents filed electronically through AZTurboCourt shall be
7 filed in accordance with this rule and the AZTurboCourt Technical Standards.”
8 (See Appendix A hereto).

9 The petition states that the AZTurboCourt Technical Standards are being
10 revised or created and that a draft of those Technical Standards is not attached.
11 With respect to those Technical Standards, however, the State Bar believes it
12 would be useful to include a provision setting forth any types of documents that
13 may not be filed electronically through AZTurboCourt. The District Court’s ECF
14 Administrative Manual includes a provision listing types of documents that are
15 not to be filed electronically (*e.g.*, grand jury matters, warrants, and writs). In
16 addition, Administrative Order No. 2010-117 includes a listing of document types
17 that are not to be filed through AZTurboCourt (*e.g.*, case initiation documents and
18 documents filed under seal). The State Bar believes it would be useful to include
19 such a listing of documents in the published AZTurboCourt Technical Standards.

20 In addition, if AZTurboCourt Technical Standards are implemented and
21 referenced in a revised version of Rule 124, the State Bar believes that some of
22 the provisions found in proposed Rule 124(h) (“Required Document Formats”)
23 should be removed from the proposed rule and placed in the AZTurboCourt
24 Technical Standards instead. Specifically, subsections (3) - (7), which relate to
25 the technical details of electronically filed documents, should be moved to the
26 AZTurboCourt Technical Standards so as to provide more flexibility for any
 future desired changes.

1 **CONCLUSION**

2 The State Bar believes that amendments to Rule 124 of the Rules of the
3 Supreme Court of Arizona are appropriate, given the move to statewide
4 implementation of e-filing through AZTurboCourt in the near future. The State
5 Bar, however, believes that the proposed changes to Rule 124 can be improved
6 upon in the ways discussed above to provide greater clarity to lawyers, self-
7 represented litigants, and the courts. The State Bar's suggested revisions to the
8 proposed Rule 124 can all be found in the attached Appendix A.

9 RESPECTFULLY SUBMITTED this 31st day of March, 2011.

10
11
12 
13 John A. Furlong
14 General Counsel

15 Electronic copy filed with the Clerk
16 of the Supreme Court of Arizona
17 this 31st day of March, 2011

18 By: Kathleen A. Lundgren
19

20 A copy was mailed to:
21 David K. Byers, Director
22 Administrative Office of the Court
23 1501 W. Washington, Suite 410
Phoenix, AZ 85007

24 this 31st day of March, 2011

25 By: Kathleen A. Lundgren
26

APPENDIX A

Rule 124. Electronic Filing, Delivery and Service of Documents

(a) Definitions.

~~"Application Fee"~~ or "AZTurboCourt User Fee," means the fee assessed when a filer performs various functions using AZTurboCourt.

"AZTurboCourt" means the supreme court approved Internet-based system for filing and service of documents in the trial and appellate courts of Arizona.

"Attached Document" means a document prepared outside of AZTurboCourt and then filed in AZTurboCourt.

"Document" means any pleading, motion, exhibit, declaration, affidavit, memorandum, paper, order, notice, and any other filing submitted by a filer or by the court.

"Electronic Document Management System (EDMS)" means a collection of computer software application programs and hardware devices that provide a means of organizing and controlling the creation, management and retrieval of documents through their life cycle. It may include workflow software which enables organizations to define routing and processing schemes to automate the business processes for document handling. It may also include imaging and optical character recognition (OCR) software and devices to support the capture, storage, and retrieval of document images from paper.

"Filer" means the individual under whose personal registration a document is submitted through AZTurboCourt.

(b) Electronic Filing ~~Authorized~~. Parties Unless otherwise ordered by the court or as provided by this rule or the AZTurboCourt Technical Standards, attorneys shall file documents electronically through AZTurboCourt in courts where AZTurboCourt is available and for any case type available in that court, in accordance with this rule. A judge may grant a represented party a waiver from

1 compliance with a requirement of mandatory e-filing through AZTurboCourt for
2 good cause shown. Self-represented litigants, court personnel, and persons appointed
3 by the court are authorized to file documents electronically through AZTurboCourt in
4 courts where AZTurboCourt is available and for any case type available in that court,
5 in accordance with this rule. AZTurboCourt is the supreme court's authorized
6 mechanism for submittal of electronic filings to the courts of this state. Documents
7 filed electronically through AZTurboCourt shall be filed in accordance with this rule and
8 the AZTurboCourt Technical Standards.

9 **(c) Registration.** AZTurboCourt shall require registration to obtain an
10 individual login ID and password for access to the system. A self-represented litigant
11 who has registered with AZTurboCourt may withdraw his or her registration at any time
12 upon filing (either electronically or in hard copy) a written notice with the clerk and
13 serving such notice on all other parties. The notice shall set forth a mailing address where
14 orders, notices and other papers may be delivered or served.

15 **(d) AZTurboCourt Technical Standards.** The Administrative Office of
16 the Courts is authorized to develop, publish, and implement a set of technical
17 standards for electronic filing of documents through AZTurboCourt to be called the
18 "AZTurboCourt Technical Standards."

19 **(e)(d) Official Record.**

20 (1) All electronically filed documents shall be considered original
21 documents of record in and for the applicable court.

22 (2) An electronic submission in or print-out from the clerk's or court's
23 EDMS that shows the clerk's or court's seal attesting to the document's authenticity
24 shall be considered an official record or certified copy of the original.

25 (3) Any court rule requiring that a document be an original, be on
26 paper or another tangible medium, or be in writing, is satisfied by the electronic image

1 defined as the original document herein.

2 ~~(e)~~ **Date and Effect of Electronic Filing.**

3 (1) ~~A person who files a document electronically shall have the same~~
4 ~~responsibility as a person who files a document on paper for ensuring that the~~
5 ~~document is properly filed and that a copy has been provided to the other parties in the~~
6 ~~case as required by rule or law.~~

7 (2) ~~An electronically filed document shall be deemed submitted on the~~
8 ~~date and time it is received by AZTurboCourt as reflected on the subsequent email~~
9 ~~notification, unless notification is declined by the filer.~~

10 (3) ~~The clerk shall record the date and time of receipt as provided by~~
11 ~~AZTurboCourt and the applicable court or office of the clerk where the document was~~
12 ~~received.~~

13 (f) Date and Effect of Electronic Filing. An electronically filed
14 document shall be deemed filed on the date and time that it is received by the court
15 (or by its designee), unless the court later rejects the document for filing. Promptly
16 upon receipt, the court (or its designee) shall transmit to the filing party an
17 acknowledgment indicating the date and time of receipt. If the court later does not
18 accept the document for filing, it shall notify the filing party electronically and set
19 forth the grounds for rejection.

20 (4) ~~Once accepted, the date and time of filing shall be the~~
21 ~~AZTurboCourt date and time of submittal.~~

22 ~~(f)(g)~~ **Electronic Payment of Filing Fees and Application**AZTurboCourt
23 User Fees.

24 (1) Filers shall pay all filing fees and application AZTurboCourt user
25 fees through AZTurboCourt.

26 (2) A judge shall not waive or suspend the application AZTurboCourt

1 ~~user fee; however, a judge may grant a party a waiver from compliance with a~~
2 ~~requirement of mandatory e-filing through AZTurboCourt, for good cause shown,~~
3 ~~thereby allowing the party to file documents on paper.~~

4 (3) Filers who need to request a fee deferral or waiver are required
5 to file on paper, until the application for fee deferral or waiver can be filed through
6 AZTurboCourt.

7 **(g)(h) Signature.**

8 (1) An attorney is responsible for all documents filed under the attorney's
9 registered login ID and password. Documents filed in AZTurboCourt under an
10 attorney's registered login ID and password, and that display the symbol "/s/" with
11 the attorney's printed name, shall be deemed signed by that attorney for purposes of
12 the rules governing practice and procedure in the courts of this state, including Rule 11,
13 Rules of Civil Procedure.

14 (2) Documents filed in AZTurboCourt by a self-represented litigant shall
15 be filed under the self-represented litigant's registered login ID and password.
16 Documents that display the symbol "/s/" with the self-represented litigant's printed
17 name shall be deemed signed by that self-represented litigant for purposes of the rules
18 governing practice and procedure in the courts of this state, including Rule 11, Rules
19 of Civil Procedure.

20 (3) In the courts of this state, a judicial officer or clerk may sign
21 a document for filing in AZTurboCourt utilizing a facsimile signature or by
22 inserting the symbol "/s/" and then inserting the judicial officer's or clerk's printed
23 name.

24 ~~(4) A document being filed by more than one self-represented~~
25 ~~litigant need only be signed by one of the self-represented litigants. The signer~~
26 ~~of the document shall ensure that all parties named in the document agree with~~

1 ~~the contents of the document. The standing of all parties is subject to judicial~~
2 ~~determination during the proceedings. The filer of any document filed through~~
3 AZTurboCourt requiring more than one signature, such as a stipulation, must ensure that
4 the content of the document is acceptable to all persons required to sign the document.
5 This may be accomplished by filing either a scanned document containing the physical
6 signatures, or by inserting "/s/ (name) with permission" as the electronic signatures of the
7 non-filing parties who are registered users of AZTurboCourt. Electronic signatures of
8 non-registered signatories are not permitted.

9 **(h)(i) Required Document Formats.**

10 (1) All filers are responsible for ensuring that the documents they
11 file through AZTurboCourt meet the AZTurboCourt Technical Standards published on
12 the AZTurboCourt website.

13 (2) All attached documents submitted by the filer through AZTurboCourt
14 shall be formatted in accordance with the applicable rules governing formatting of
15 paper documents in the courts of this state.

16 (3) When establishing proof of service by U. S. Postal Service
17 certified mail, a filer shall scan and electronically file both sides of the signed
18 return receipt, in addition to complying with all other requirements of rule or law.
19 When establishing proof of service by a national courier service, the filer shall
20 scan and electronically file the documentation required by rule or statute, in addition
21 to complying with all other requirements of rule or law.

22 (4) When an electronically notarized document is not available, a
23 notary requirement may be satisfied by the filer's scanning and electronically filing
24 the document that contains the notary's original signature and seal.

25 (5) Courtroom exhibits may be converted to electronic format at the
26 discretion of the clerk.

1 (6) A filer may include a hyperlink only to static textual
2 information or documents. Materials accessed via hyperlinks are not part of the
3 official court record. A filer may include a bookmark to another page within the same
4 document.

5 (7) Appellate Court Opinions shall have each paragraph of text
6 numbered consecutively.

7 **(i)(j) Electronic Service and Delivery of Documents.**

8 (1) Registration in AZTurboCourt constitutes consent to electronic
9 service and delivery of documents, under the rules governing practice and procedure
10 in the courts of this state, through AZTurboCourt. A self-represented litigant may
11 withdraw such consent at any time upon filing (either electronically or in hard copy) a
12 written notice with ~~to~~ the clerk and serving such notice on ~~to~~ all other attorneys and
13 ~~self-represented litigants~~ parties in the ~~an~~ action. The written notice shall set forth a
14 ~~physical~~ mailing address for service and delivery of documents. ~~An attorney may not~~
15 ~~withdraw consent.~~ Such consent or withdrawal of consent to electronic service and
16 delivery by a self-represented litigant is effective only for the case in which the
17 consent or withdrawal has been submitted. An attorney may not withdraw consent.

18 (2) Unless otherwise prohibited by rule or law, service of post-
19 initiation documents that are filed with the court through AZTurboCourt shall be
20 completed through AZTurboCourt on attorneys as well as self-represented litigants
21 who are registered with AZTurboCourt and who have not withdrawn consent to
22 electronic service and delivery pursuant to subsection (j)(1). ~~Service of post-~~
23 ~~initiation documents as required by the rules governing practice and procedure in the~~
24 ~~courts of this state shall be completed through AZTurboCourt except when a self-~~
25 ~~represented litigant has withdrawn consent to electronic service by filing a notice of~~
26 ~~withdrawal of consent in a case, or when electronic service is otherwise prohibited by~~

1 ~~rule or law.~~ If a self-represented litigant has withdrawn consent to electronic service
2 and delivery, a paper copy of the document shall be served on the self-represented
3 litigant at the ~~mailing~~physical address provided in the written notice of withdrawal of
4 consent. Withdrawal of consent to electronic service and delivery by a self-
5 represented litigant does not relieve the litigant of his or her obligation to serve
6 documents through AZTurboCourt.

7 (3) Attorneys shall provide a current e-mail address on all documents
8 submitted to the court, whether electronic or paper. Self-represented litigants who are
9 registered with AZTurboCourt and who have not withdrawn consent to electronic
10 service and delivery shall include a current e-mail address on all documents
11 submitted through AZTurboCourt.

12 (4) As much as reasonably practicable, a clerk shall ~~deliver~~distribute
13 through AZTurboCourt or by other electronic means, all communications issued from
14 the clerk, including orders, judgments, notices, minute entries, and any other
15 communication to attorneys and self-represented litigants who are registered with
16 AZTurboCourt and who have not withdrawn consent to electronic service and
17 delivery pursuant to subsection (j)(1), whether the case in which the document or
18 communication is issued was initiated by paper or electronic means. If a self-
19 represented litigant has withdrawn consent to electronic service and delivery, a paper
20 copy of the communication shall be delivered to the self-represented litigant at the
21 mailing address provided in the written notice of withdrawal of consent.

22 ~~(j)(k)~~ **Extensions of Time Due to Interruption in Service.** If a filer fails to meet
23 a filing deadline imposed by rule or law solely as the result of a technical failure of
24 AZTurboCourt in processing the document, the filer must file the document as soon
25 thereafter as practicable and accompany the filing with a motion to accept the
26 document as timely filed. The motion shall set forth the reason the deadline was not

1 met by describing the technology failure. The document and motion shall be filed on
2 paper at the proper courthouse no later than the second day on which the court is open for
3 business following the deadline that was not met, unless the technology failure is
4 alleviated and the motion and document are submitted using AZTurboCourt not later
5 than the second day on which the court is open for business following the deadline
6 that was not met. If the court grants the motion, the document shall be deemed
7 timely filed nunc pro tunc, notwithstanding any rule or law to the contrary.